

Attorney Docket No. 2502440-991501

#22

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 27, 2003.

Gerry Ubau

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eugene M. Wolf

Serial No: 09/811,360

Group Art Unit: 3738

Filed: March 16, 2001

Examiner: Blanco, Javier G.

Title: **FACILE TOTAL SHOULDER ARTHROPLASTY APPARATUS AND METHOD**

REQUEST FOR REMOVAL OF SMALL ENTITY STATUS AND SUBMISSION OF DEFICIENCY OWED

Adjustment date: 09/03/2003 LUONDIH1
07702/2003 SZLUDIE1 00000035 09811360
01 FC:2201 -42.00 OP

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 09 2003
TECHNOLOGY CENTER R3700

Dear Sir,

It is respectfully submitted that the status as a small entity of the assignee of record in the above-identified application was inadvertently asserted in the payment of a fee for one excess independent claim. Applicant continues to have large entity status. Applicant respectfully requests removal of small entity status in this application.

It is moreover respectfully submitted that Applicant had the status of large entity at the time the extra claims fee was paid on June 25, 2003. Payment of the deficiency owed is enclosed herewith in the amount of \$42.00. The following two type of fee was erroneously paid as a small entity:

09/03/E003 LUONDIH1 00000016 09811360

01 FC:1201 84.00 OP

Independent Claims in Excess of Three Under 37 C.F.R. 1.16(b)

The deficiency payment for this fee is calculated as follows:

1 additional independent claim x \$84.00 = \$84.00 (fee owed)

1 additional independent claim x \$42.00 = \$42.00 (erroneously paid June 25, 2003)

Deficiency owed amount = \$84.00 - \$42.00 = \$42.00

The total deficiency amount that is therefore owed is \$42.00.


A check in the amount of \$42.00 is enclosed together with PTO Form no.: PTO/SB/17 (Fee Transmittal for FY 2003).

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: 8-27-03

By 

Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant

GRAY CARY WARE & FREIDENRICH LLP
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San Francisco, CA 94107
Telephone: 415-836-2522
Facsimile: 415-836-2501

Customer No. 29585



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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 42.00

Complete if Known

Application Number	09/811,360
Filing Date	March 16, 2001
First Named Inventor	Eugene M. Wolf
Examiner Name	Javier G. Blanco
Art Unit	3738
Attorney Docket No.	2502440-991501

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 07-1896

Deposit Account Name Gray Cary Ware & Freidenrich, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	<input type="text"/>	
Multiple Dependent					<input type="text"/>	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Additional fee due					42.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 42.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Andrew V. Smith	Registration No. (Attorney/Agent)	43,132	Telephone	415-836-2522
Signature		Date	8-27-03		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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\$ 3788



PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/811,360	
	Filing Date	March 16, 2001	
	First Named Inventor	Eugene M. Wolf	
	Art Unit	3738	
	Examiner Name	Javier G. Blanco	
Total Number of Pages in This Submission	5	Attorney Docket Number	2502440-991501

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-Receipt Postcard; Request for Removal of Small Entity and Submission of Deficiency Owed;
Remarks The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed. Customer No. 29585		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		RECEIVED SEP 09 2003 TECHNOLOGY CENTER R3700
Firm or Individual	Andrew V. Smith, Reg. No. 43,132 Gray Cary Ware & Freidenrich, LLP 153 Townsend Street, Suite 800, San Francisco, CA 94107-1907	
Signature		
Date	8-27-03	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 08-27-03			
Typed or printed	Gerry Ubau		
Signature		Date	8-27-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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